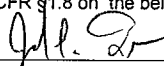


CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8		
I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:		
Date: <u>December 3, 2008</u>	Name: <u>John C. Freeman, Esq.</u>	Signature: <u></u>

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **Raymond I. Myers**

Appln. No.: **10/750,789**

Filed: **January 2, 2004**

For: **LENTICULAR REFRACTIVE SURGERY
OF PRESBYOPIA, OTHER
REFRACTIVE ERRORS, AND
CATARACT RETARDATION**

Docket No: **12212/39**

Examiner: **David M. Shay**

Art Unit: **3735**

Confirm. No.: **1486**

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)

Sir:

Applicant(s) requests continued examination of the above-identified application under 37 C.F.R. §1.114.

☐ Submission under 37 CFR 1.114 (*check at least one of the following*):

☐ Previously submitted:

☐ Applicant(s) requests nonentry of any previously-filed unentered amendments.

☐ Please enter and consider the Amendment After Final Under 37 C.F.R. §1.116 previously filed on _____.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

☐ Other: _____

☒ Attached is/are:

☐ An Information Disclosure Statement

☐ An Amendment to the written description, claims, or drawings

☐ New Arguments and/or New Evidence in support of Patentability

☒ Other: Statement of Communication With Examiner

☒ Request for suspension of action:

Applicant(s) hereby requests suspension of action on the above-identified application under 37 C.F.R. §1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; requires Processing Fee under 37 C.F.R. §1.17(i)).

☒ Small Entity Status:

☒ Applicant(s) hereby asserts entitlement to claim small entity status under 37 CFR §§ 1.9 and 1.27.

☐ A small entity statement or assertion of entitlement to claim small entity status was filed in prior application no. _____ / _____ and such status is still proper and desired.

☐ Is no longer desired.

☒ Applicant(s) calculate the following fees to be due in connection with this Request:

☒ A request fee of \$405.00 under 37 C.F.R. §1.17(e).

☒ A suspension processing fee of \$130.00 under 37 C.F.R. §1.17(i).

☐ An additional filing fee of \$ _____ under 37 C.F.R. §1.16 (_____ additional independent claims and/or _____ additional total claims).

☐ An extension fee of \$ _____ under 37 C.F.R. §1.17(a) for a _____-month extension of time.

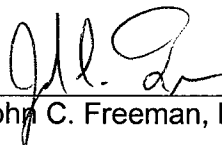
☒ Fee payment to cover the above-enumerated fee(s):

☒ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$405.00 for the RCE filing fee and \$130.00 to cover the suspension of action filing fee.

☐ A payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE).

Respectfully submitted,



John C. Freeman, Esq. (Reg. No. 34,483)

December 3, 2008

Date